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Letter dated 19 July 2000 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to information received from the government organs of the Republic of Belarus in connection with the recent circulation as a document of the General Assembly, under agenda item 116 (b), of a statement by the Presidency of the European Union concerning the sentencing of Mr. Statkevich and Mr. Shchukin (A/54/935).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly under agenda item 116 (b).

(*Signed*) Alyaksandr **Sychov**
Permanent Representative of Belarus to the United Nations

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Annex to the letter dated 19 July 2000 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

1. Mr. N. Statkevich and Mr. V. Shchukin were convicted for committing criminal offences. The charges that the sentences were politically motivated are baseless and unfounded.

In particular, the sentencing on Mr. Statkevich was based on two incidents.

The first was the unauthorized procession of 27 July 1999 in the centre of Minsk, which blocked the thoroughfare. In spite of verbal appeals by the police, the actions of Mr. Statkevich, who had been using a megaphone to call on the crowd to break through the police cordon, led to clashes between demonstrators and members of law enforcement agencies.

The second incident occurred during a demonstration on 17 October 1999. The organizers of the demonstration had received permission from the municipal authorities to hold a meeting in a specific district of the city (close to Bangalor Square) without any demonstrations or processions in the city centre. However, as a result of the participation in the meeting of leaders of the opposition, including Mr. Statkevich, who spoke three times and called for the continuation of the second phase of the so-called "freedom march", the participants in the meeting made their way along the streets of the city centre, blocking the traffic. This ended in clashes with members of law enforcement agencies and, in addition to damage to city property and major inconveniences for the city's population, there were injuries among the police.

The criminal cases against Mr. Statkevich, the organizer, and V. Shchukin, an active participant, were based on article 186, part 3, of the Penal Code of the Republic of Belarus which deals with "the organization of or active participation in group actions involving a serious breach of the public order", for which the maximum penalty is up to three years' imprisonment.

Moreover, the volume of cogent evidence gathered during the court examination might well have led to the application of a very different article of the Penal Code (art. 76), which concerns the organization of mass disturbances for which the maximum penalty is up to 15 years' imprisonment.

The court's verdict with respect to Mr. Statkevich (two years' suspended sentence) and Mr. Shchukin (one year's suspended sentence) is not excessively severe and entails no deprivation of liberty.

2. In Belarus, different points of view, including the opposition, have access to the mass media. Of the country's more than 1 000 printed publications, only 200 are State-controlled.

Only recently the State electronic mass media broadcast a series of transmissions with the participation of representatives of all socio-political forces, including opposition parties. Representatives of the opposition, such as M. Grib, S. Bogdankevich, A. Dobrovolsky, A. Lebedko, S. Kalyakin, O. Abramova, N. Statkevich, V. Vecherko and others, regularly take part in broadcasts, including live broadcasts. This clearly demonstrates that the demand of all potential participants in the forthcoming parliamentary elections for access to the mass media is being met.

When the electoral campaign begins, access to the mass media will be governed by the relevant provisions of the Electoral Code, which provide for equal opportunities for all registered candidates, without exception.

In particular, the Code entitles the candidates to free use of State television and radio as well as to the free publication of their pre-election programmes in the press. All candidates are free able to produce pre-election posters.

3. Belarus is fully committed to scrupulous compliance with all its international obligations and to the holding of free and fair elections in accordance with the relevant international standards of electoral law.

The Electoral Code of the Republic of Belarus has been drawn up in accordance with Belarus's new Constitution and also takes account of the universally recognized principles and standards of international law relating to the organization of the electoral process and the legal regulations concerning the holding of elections and referendums that are applied in other countries. the Code fully reflects international electoral standards, which provide for envisage the conduct of the electoral process on the basis of such democratic principles as universal, free, equal and direct elections by secret ballot. Many provisions of the Electoral Code governing the conduct of elections have been improved, developed and made more specific.

It should be pointed out that the adoption of the Electoral Code was preceded by a protracted phase of detailed discussions and revisions not only by government bodies but also by the broad strata of the Belarusian public. One hundred and ten Belarusian political parties and public associations, representing practically the entire spectrum of the country's emerging civil society, took part in the socio-political dialogue on this issue. Prior to its first reading, in the House of Representatives, the Code was sent for suggestions and comments to 23 national and international organizations as well as to the Advisory and Monitoring Group of the Organization for Security and Cooperation in Europe (OSCE), the Parliamentary Assembly of the Council of Europe and political parties. By the time of the first reading of the Code, Parliament had received 182 proposals concerning 80 articles, and 48 amendments were made to 46 articles of the draft Code. In preparing the draft Electoral Code for its second reading by the House of Representatives, changes and additions were made to article 5.

Many of the proposals made by the OSCE Advisory and Monitoring Group were taken into account in preparing the draft Electoral Code, including proposals on the joint establishment of commissions by representative and executive bodies, on changing the procedure for verifying subscription lists and authenticating citizens' signatures, on lifting the prohibition on the nomination to Parliament of persons who have incurred administrative penalties, on discontinuing the practice of holding people to account for boycotting elections, on openness in the counting of votes and establishing the results of voting and elections, and on lowering the level of voter turnout required in order for elections to the House of Representatives to be recognized as valid in the second round of voting from 50 to 25 per cent.

One of the highly important amendments to the Code as adopted was the significant broadening of the powers of observers at elections, including foreign (international) observers. Belarus is convinced that this provision of the Code will make it possible to ensure, with the participation of national observers, that elections

take place in an open and honest manner and that the involvement of foreign (international) observers will be conducive to the conduct of elections in full compliance with international electoral standards.

4. The work of the participants in the dialogue on improving the Electoral Code confirms the effectiveness of that institution and its potential for resolving other key problems of Belarusian society. The dialogue is open at all times to all, including leaders of the opposition, who wish to make a practical contribution towards the attainment of national accord.